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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KYLE PIPPINS, JAMIE SCHINDLER, and
EDWARD LAMBERT, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

KPMG LLP,

Defendant.

No. 11 Civ. 0377 (CM) (JLC)

**PLAINTIFFS' NOTICE OF MOTION
FOR PARTIAL SUMMARY JUDGMENT**

For the reasons set forth in Plaintiffs' Memorandum of Law in Support of Motion for Partial Summary Judgment, and in the Declaration of Justin M. Swartz and the exhibits attached thereto, Plaintiff respectfully requests that the Court enter an Order granting partial summary judgment that:

(1) Plaintiffs and all Opt-In Plaintiffs were not properly classified as exempt under the Fair Labor Standards Act ("FLSA") professional exemption during their first year as Audit Associates. (Defendant's Third Defense, ECF No. 140);

(2) Plaintiffs and all Opt-in Plaintiffs were not properly classified as exempt under the FLSA administrative exemption at any time as Audit Associates. (Defendant's Third Defense, ECF No. 140);

(3) KPMG did not act in good faith or have reasonable grounds for believing that its conduct violated the FLSA when it classified Plaintiffs and all Opt-In Plaintiffs as exempt. (Defendant's Fifth and Sixth Defenses, ECF No. 140); and

(4) Such other relief as is appropriate.

Dated: New York, New York
June 8, 2012

Respectfully submitted,

OUTTEN & GOLDEN LLP

By:

/s/ Justin M. Swartz
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